

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF	§	
	§	
Plaintiff,	§	
	§	
v.	§	No.
	§	
BRIAN MITCHELL	§	
	§	
Defendant.	§	

COMPLAINT

The United States of America brings this action to collect a civil monetary penalty imposed on defendant Brian Mitchell (“Mitchell”) by the United States Commodity Futures Trading Commission (“CFTC”).

PARTIES

1. The Plaintiff is the United States of America. The CFTC is an agency of the United States that is responsible for protecting markets, consumers, and the public from fraud, manipulation, and abusive practices related to derivatives and other products that are subject to the Commodity Exchange Act (the “Act”).
2. Mitchell is an individual residing at 4410 Knoll Crest Road, Ann Arbor, MI 48108.

JURISDICTION AND VENUE

3. The Court has subject matter jurisdiction over this action pursuant 7 U.S.C. §

9a, as well as 28 U.S.C. §§ 1331, 1345, and 1355.

4. The Court may exercise personal jurisdiction over Mitchell because he resides in this judicial district and because a substantial part of the acts and omissions giving rise to the United States' claim occurred here.
5. This judicial district is a proper venue pursuant to 28 U.S.C. §§ 1391(b) and 1395(a) because Mitchell resides in and can be found within this district and because a substantial part of the acts and omissions giving rise to the United States' claim occurred here.

CIVIL MONETARY PENALTY

6. Between January 2018 and January 2019, Mitchell violated *Section 6m(l)* of the Act, as fully set forth in the CFTC's September 22, 2021 Order Instituting Proceedings Pursuant to Section 6(c) and (d) of the Commodity Exchange Act, Making Findings, and Imposing Remedial Sanctions ("the Order"). *Exhibit A* (hereinafter, Exhibits shall be referred to as "*Ex. __*").
7. Mitchell consented to entry of the Order, including entry of a civil monetary penalty in the amount of one-hundred fifty thousand dollars (\$150,000), payment being due in full within thirty days of September 22, 2021. *Id.* at p. 5.
8. Payment was not made within thirty days; as a result, under the Order (*Id.*), post-judgment interest has accrued on the entire debt owed, as determined by using the

Treasury Bill rate prevailing on September 22, 2021 pursuant to 28 U.S.C. § 1961 (2018).

9. On January 22, 2022, the CFTC made a demand for payment pursuant to the terms of the Order. *Ex. B.*

10. Mitchell has failed, refused or neglected to pay the amount due, despite his consenting to the terms of the Order, and his receiving notice of the demand for payment.

11. Mitchell is liable to the United States in the amount of approximately \$150,030.91 as of January 18, 2022, consisting of principal and interest. A true and correct Certificate of Indebtedness is attached as *Ex. C.*

12. The CFTC referred this matter to the United States Department of Justice, who may recover the penalty by action in this Court pursuant to 7 U.S.C. § 9a.

WHEREFORE, the United States respectfully requests that the Court:

A. Enter judgment against Mitchell in the amount of \$150,030.91 as of January 18, 2022, plus accrued interest, fees and other accruals to present;

B. Impose post-judgment interest at the statutory rate pursuant to 28 U.S.C. § 1961 until Mitchell's debt is paid in full;

C. Grant such other proper relief as this court may deem just and proper.

[continued on next page]

Respectfully submitted,

DAWN ISON

United States Attorney

Peter F. Schneider

By:/s/Peter F. Schneider

Assistant U.S. Attorney

211 W. Fort St., Ste. 2001

Detroit, Michigan 48226

Phone: (313) 226-9100

E-mail: peter.schneider@usdoj.gov

MI Bar Number: P75256